

# BakerHostetler

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April 18, 2022

### VIA ECF

Honorable Cecelia G. Morris  
United States Bankruptcy Court  
Southern District of New York  
355 Main Street  
Poughkeepsie, New York 12601-3315

Re: *Picard v. Jacob M. Dick Rev. Living Trust DTD 4/6/01 et al.*, Adv. Pro. No. 10-04570  
(CGM)

Dear Judge Morris:

We are counsel to Irving H. Picard, trustee (the “Trustee”) for the substantively consolidated liquidation proceedings of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–lll and the chapter 7 estate of Bernard L. Madoff.

In response to Defendants’ letter of today, the Trustee has no objection to relying on his submissions in support of his Motion for Summary Judgment in the above-captioned proceeding in lieu of the April 20, 2022 hearing. *See* ECF Nos. 102–108, 118–120.

The Trustee submits that as set forth in his papers, he is entitled to judgment as a matter of law because Defendants’ arguments raise issues that have already been resolved by this Court and by the District Court through summary judgment. *Picard v. Keller Fam. Tr.*, 634 B.R. 39 (Bankr. S.D.N.Y. 2021); *Picard v. Miller*, 631 B.R. 1 (Bankr. S.D.N.Y. 2021); *Picard v. Est. of Seymour Epstein*, Adv. Pro. No. 10-04438 (CGM) (Bankr. S.D.N.Y. Jan. 27, 2021), ECF No. 155; *Picard v. JABA Assocs. LP*, 528 F. Supp. 3d 219 (S.D.N.Y. 2021); *Picard v. Lisa Beth Nissenbaum Tr.*, No. 20 cv. 3140 (JGK), 2021 WL 1141638 (S.D.N.Y. Mar. 24, 2021). In addition, the Trustee is entitled to pre-judgment interest of 4% from the filing date, and any further relief the Court deems proper. *See In re BLMIS LLC*, No. 1:21-cv-02334-CM, 2022 WL 493734\*20 n.8 (S.D.N.Y. Feb. 17, 2022).

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We thank Your Honor for consideration of this matter.

Respectfully submitted,

*s/ Nicholas J. Cremona*

Nicholas J. Cremona

cc: All attorneys of record via ECF.